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PATRICK E. JEFFY

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

SHERMAN P. HAWKINS,)	CV 04-07-H-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MIKE MAHONEY, Warden, Montana)	
State Prison; WILLIAM SLAUGHTER,)	
Director; DR. ROAN; and PAUL)	
LUCIER,)	
)	
Defendants.)	
_____)	

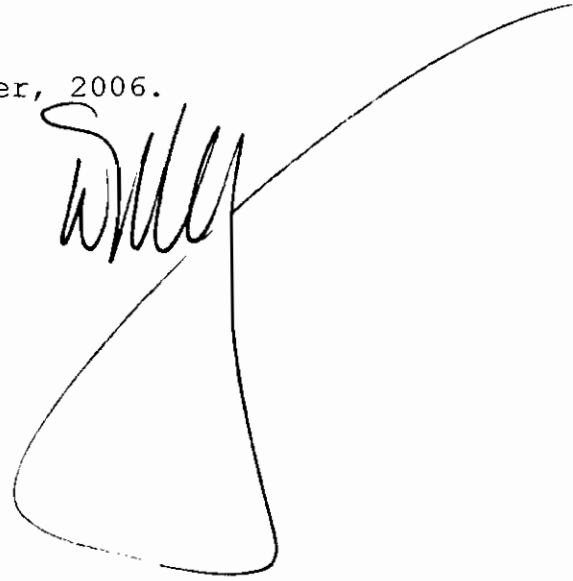
United States Magistrate Carolyn S. Ostby entered Findings and Recommendation in this matter on July 27, 2006. Plaintiff Hawkins did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

It is Judge Ostby's recommendation that Defendants' motion

for summary judgment be granted in full and judgment should be entered in favor of Defendants. I agree.

I find no clear error in Judge Ostby's Findings and Recommendation (dkt #38) and I adopt them in full. Summary judgment is GRANTED to Defendants and the Clerk shall enter Judgment on Defendants' behalf.

DATED this 5 day of September, 2006.

A large, stylized handwritten signature, likely of Judge Ostby, written in black ink. The signature is cursive and somewhat abstract, with a large loop at the bottom.